

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ALEJANDRO PEREZ and GRISELLI \*

PEREZ, parents of DANIEL PEREZ, \*  
deceased \*

Petitioners, \*

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

No. 09-647V

Special Master Christian J. Moran

Filed: May 29, 2013

Attorneys' fees and costs; stipulation of  
fact; award in the amount to which  
respondent does not object

### **UNPUBLISHED DECISION ON FEES AND COSTS<sup>1</sup>**

Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioners;  
Claudia B. Gangi, U.S. Department of Justice, Washington, D.C., for Respondent.

Petitioners filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter on May 23, 2013. Previously, on May 16, 2013, petitioners filed an application for final attorneys' fees and costs. In informal discussions, respondent raised objections to certain items in petitioners' final application. Based on these discussions, petitioners amended their final application to request reimbursement for attorneys' fees in the amount of \$107,394.97, attorneys' costs in the amount of \$32,435.68. In addition, petitioners personally incurred out-of-pocket litigation costs in the amount of \$250. Respondent does not object to the amended request. The Court awards this amount.

Petitioners filed their petition on October 1, 2009 and were awarded compensation on January 16, 2013. Judgment entered on January 18, 2013. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Petitioners seek a total of **\$139,830.65** in attorneys' fees and costs for their counsel. Additionally, in compliance with General Order No. 9, petitioners have shown that they incurred **\$250** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amounts requested for attorneys' fees and costs, and petitioners' costs, which total **\$140,080.65**.

After reviewing the request, the court awards:

- A. A lump sum payment of \$139,830.65 in the form of a check payable jointly to petitioners and petitioners' counsel, Ronald C. Homer, for attorneys' fees and costs available under 42 U.S.C. §300aa-15(e); and**
- B. A lump sum payment of \$250.00 in the form of a check payable to petitioners for out-of-pocket expenses incurred by petitioners in proceeding on the petition.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.